

**PUBLIC WORKS
AND
PUBLIC TRANSPORTATION COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, **June 21, 2005.**

MEMBERS PRESENT:

Legislator Allan Binder • Chairman
Legislator Peter O'Leary • Vice•Chairman
Legislator John Kennedy
Legislator Brian Foley
Legislator Ricardo Montano
Legislator Angie Carpenter • Excused Absence

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Budget Review Office
Kevin Duffy • Budget Review Office
Charles Bartha • Commissioner • DPW
Bill Shannon • Highway Department • DPW
Leslie Mitchel • Deputy Commissioner • DPW
Alexandra Sullivan • Chief Deputy Clerk • Legislature
Bill Faulk • Aide to P.O. Caracappa.
Ben Zwirn • County Exec's Office
Lynne Bizzarro • County Attorney's Office
Lorraine Hickey • Department of Public Works
All Other Interested Parties

MINUTES TAKEN BY:

Diana Kraus • Court Stenographer

MINUTES TRANSCRIBED BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:46 A.M.*)

CHAIRMAN BINDER:

Please rise for the Pledge of Allegiance led by Legislator Vilorio•Fisher.

SALUTATION

Public Works and Public Transportation Committee will come to order. I don't see any cards. We have any cards? No. Then we'll go right to the agenda. If the Commissioner •• where did he go? There he is, hiding. You can't hide. You can run, but you can hide, Charlie. Commissioner Bartha. All right. I know, you come up solo. I'm getting this down now. You don't need any staff. They slowly come up. Okay. We'll go right to the agenda. Legislator O'Leary, before we go to the agenda, has a word from our sponsor.

LEG. O'LEARY:

Very briefly, Charlie, is Mr. Shinnick here or not?

COMMISSIONER BARTHA:

No. We have some federal auditors, inspectors in the office today, so he is spending his time there.

LEG. O'LEARY:

I just wanted to bring to your attention the fact that something has to come to my attention with respect to the S•60 line out east. I believe it's the S•60. There is •• let me just refer to my notes. S•92.

CHAIRMAN BINDER:

It depends on when he has his glasses on or off.

LEG. O'LEARY:

S•92. There's a •• apparently from Greenport •• from Orient Point to Greenport, which is part of the S•92 route, there is •• the same company that has that particular contract to provide that service, they're providing free shuttle service from Orient point to Greenport. Are you aware of that?

COMMISSIONER BARTHA:

I'm not, no.

LEG. O'LEARY:

I just wanted to pass around to my colleagues this •• yourself as well. Maria, can you give it to the Commissioner? I mean •• isn't that somewhat troubling that the County is subsidizing this particular bus company, and for whatever reason they're providing free shuttle service from the ferry at Orient Point to Greenport, which would obviously preclude people from getting on the S•92 to take the bus from •• I mean, if I had a choice of getting on a bus paying a fee or taking free service from Orient Point to Greenport, I would take the free service. I'm just curious as to why you are not aware of this.

COMMISSIONER BARTHA:

No, I'm not. And I certainly would be concerned, and I'll obviously look into it and get back to you and the committee.

LEG. O'LEARY:

Okay. That's •• I just wanted to •• the company is Sunrise Bus?

COMMISSIONER BARTHA:

Okay.

LEG. O'LEARY:

All right. Could you look into that?

LEG. O'LEARY:

Thanks.

COMMISSIONER BARTHA:

Absolutely.

CHAIRMAN BINDER:

That's it? Okay. I'll move to tabled resolutions first.

1146. Authorizing execution of agreement by the Administrative Head of Suffolk County Southwest Sewer District No. 3• Southwest with the owner of Tilles Corporation Center East. (COUNTY EXEC).

I'm going to make a motion to table.

LEG. FOLEY:

Motion to approve.

CHAIRMAN BINDER:

I'm going to make a motion to table, seconded by Legislator O'Leary, which takes precedence.

All in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN BINDER:

Opposed, Legislator Foley, Legislator Viloría•Fisher. 1146 is **tabled**.

(VOTE:4•2•0•0) (Opposed: Legis. Foley and Viloría•Fisher)

1394. Authorizing the execution of an agreement between the County and CBS Lines, Inc. for enhanced bus services on Route S•60 including additional service in the area of downtown Stony Brook. (VILORIA•FISHER).

Motion ••

LEG. VILORIA•FISHER:

I would just like to ask the Commissioner a question about this.

CHAIRMAN BINDER:

Well, let's get a motion so everything will be on the ••

LEG. VILORIA•FISHER:

I'll make a motion to approve.

CHAIRMAN BINDER:

Motion to approve by Legislator Viloría•Fisher, seconded by Legislator Foley. Motion to table by Legislator O'Leary, seconded by Legislator Carpenter. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Commissioner Bartha, any statement as to the status of the investigation in the District Attorney's Office?

COMMISSIONER BARTHA:

I have not heard anything else on that.

LEG. VILORIA•FISHER:

Okay. You don't know if the investigation is expanding, if there are any other incidents that we're looking at along this line?

COMMISSIONER BARTHA:

No. No other incidents have come to our attention, but the District Attorney's staff has interviewed members of our staff.

LEG. VILORIA•FISHER:

Okay. Thank you.

CHAIRMAN BINDER:

Okay. We have motion and a second to table. All those in favor?

LEG. VILORIA•FISHER:

With that being said, I'll support the tabling.

CHAIRMAN BINDER:

Opposed? **Tabled. (VOTE:6•0•0•0).**

1440. To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use. (COOPER)

LEG. FOLEY:

Motion to approve.

CHAIRMAN BINDER:

Motion to approve by Legislator Foley.

LEG. O'LEARY:

Motion to table.

CHAIRMAN BINDER:

Motion to table by Legislator O'Leary. I'll second the motion to table by myself. Motion to table, all those in favor? Opposed?

LEG. FOLEY:

Opposed.

CHAIRMAN BINDER:

Opposed, Legislator Foley. 1440 is **TABLED (VOTE:5•1•0•0) (Opposed: Legis Foley).**

1584. Approving amended ferry license for Fire Island Ferries, Inc. (PRESIDING OFFICER).

Let me ask Counsel before we even get a motion on this. Right? I think it has to be tabled for a public hearing.

LEG. CARPENTER:

Motion to table.

CHAIRMAN BINDER:

Motion to table by Legislator Carpenter, seconded by Legislator O'Leary. All those in favor? Opposed? 1584 is **tabled**.

(VOTE: 6•0•0•0)

1590. Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities.

(COUNTY EXEC).

My understanding is that has been amended from bonding to pay•as•you•go.

MR. SPERO:

Yes.

CHAIRMAN BINDER:

Motion by Legislator O'Leary, seconded by Legislator Kennedy. All those in favor? Opposed? **Approved. (VOTE: 6•0•0•0)**

1591. Appropriating funds in connection with the installation of emergency systems for major County owned buildings • NYS Fire Standards. (COUNTY EXEC).

This is also changed to pay•as•you•go? I'm seeing head nodding. Same motion, same second, same vote. **APPROVED. (VOTE: 6•0•0•0)**

1592. Appropriating funds in connection with the roof replacement on various County buildings. (COUNTY EXEC).

Same, it also is pay•as•you•go? Yes, it is. Same motion, same second, same vote. **APPROVED. (VOTE: 6•0•0•0)**

Same for **1593, Appropriating funds in connection with the application and removal of lane markings. (COUNTY EXEC).**

That's also now pay as you go. Same motion, same second, same vote. **APPROVED. (VOTE: 6•0•0•0).**

We've discussed them before, so it's not a problem going through them quickly.

1597. Accepting and appropriating Federal Aid (80%), state Aid (10%) and County funds (10%) in connection with the purchase and installation of bus shelters. (COUNTY EXEC)

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

We have a motion by Legislator Foley, seconded by Legislator Carpenter. Is that pay•as•you •go now or is that still bonding? I don't have notice that that was changed to pay•as•you•go. The County portion.

LEG. FOLEY:

The shelter •• the bus shelter monies.

CHAIRMAN BINDER:

I think that's kind of the point.

COMMISSIONER BARTHA:

I have not been advised that that has been changed.

MR. ZWIRN:

Let me check on that one.

CHAIRMAN BINDER:

Why don't we pass over that one. We'll move to 1590 •• why don't you check on 1597, 1598, both of them?

MR. ZWIRN:

Okay.

CHAIRMAN BINDER:

We'll move to **1602, appropriating funds in connection with the reconstruction of culverts. (COUNTY EXEC)**

LEG. O'LEARY:

Has that been changed to pay•as•you•go?

CHAIRMAN BINDER:

Is that •• that's another that he has to change. Do we know if that's been changed or we don't know?

LEG. O'LEARY:

I think it has been. I have that somewhere.

CHAIRMAN BINDER:

Hold on. 1602. Hold on. I don't have 1602 on the list.

LEG. O'LEARY:

Yeah, 1602 is not on the list.

CHAIRMAN BINDER:

No.

MR. ZWIRN:

I'll check that one, too. I'll check that one too.

LEG. FOLEY:

Through the Chair, can we hear from the Commissioner on 1602?

CHAIRMAN BINDER:

Legislator Foley is asking for the Commissioner to comment.

LEG. FOLEY:

Commissioner, on 1602, just tell us what the principle and the interest is on that, please. Or

from the Budget Review Office, I'm sorry, through the Chair. It's in the back•up of the resolution.

COMMISSIONER BARTHA:

It look likes \$3120 is the interest, 25,000 is the principle. I'm reading. Since Jim is retiring, I think I'll step in.

MR. SPERO:

You had your shot, Charlie.

LEG. FOLEY:

Okay. Okay. 1602.

CHAIRMAN BINDER:

Right. So I think that is still, I guess, bonded.

MR. SPERO:

We have two more after this one.

CHAIRMAN BINDER:

What do you want to do?

LEG. O'LEARY:

If it's bonded, not pay•as•you•go ••

CHAIRMAN BINDER:

It's bonded.

LEG. VILORIA•FISHER:

Motion to approve.

CHAIRMAN BINDER:

Jim, this is less than five years?

COMMISSIONER BARTHA:

It's five years.

MR. SPERO:

Yes. It's technically a pay•as•you•go project.

CHAIRMAN BINDER:

This is a pay•as•you•go project. Okay. Motion by Legislator O'Leary to table, seconded by Legislator Carpenter. Right. 1602. All in favor? Opposed? 1602 is tabled.

1605. Appropriating funds in connection with the Public Works buildings operations and maintenance equipment (COUNTY EXEC).

Same question. I don't see that on my list, so can I assume that's still bonded?

LEG. FOLEY:

Just through the Chair.

CHAIRMAN BINDER:

Legislator Foley.

LEG. FOLEY:

Commissioner, this equipment •• tell us a little bit about the equipment for this one, this resolution.

COMMISSIONER BARTHA:

Okay. This is for forklifts and smaller equipment for our Public Works warehouse to move equipment, move supplies around within the custodial and building maintenance warehouse.

LEG. FOLEY:

Are there •• is it replacing equipment or???

COMMISSIONER BARTHA:

Replacing.

LEG. FOLEY:

It's replacing equipment. The concern with some of the trucks and vans, particularly trucks be it in the Parks Department or in Public Works, have we approved that resolution or is that next one, 1615?

COMMISSIONER BARTHA:

That's the next resolution.

LEG. FOLEY:

Pardon?

COMMISSIONER BARTHA:

That's the next resolution.

LEG. FOLEY:

Okay. All right.

CHAIRMAN BINDER:

Same motion, Legislator O'Leary to table, seconded by Legislator Carpenter for the same reasons, just requesting bonding versus pay•as•you•go. 1605, all those in favor? Opposed? 1605 is tabled.

Ben has an answer on the other two.

MR. ZWIRN:

No, they're not on my list as having been switched yet.

CHAIRMAN BINDER:

Is there interest by the County Executive in doing that?

MR. ZWIRN:

There probably is. I mean, we've cooperated, we've •• I think one of the reasons why we ••

CHAIRMAN BINDER:

We just also tabled two more also. There was ••

MR. ZWIRN:

Yeah, they weren't on the list.

CHAIRMAN BINDER:

Reconstruct culverts and Public Works building operation maintenance equipment.

MR. ZWIRN:

Yeah. I understand the philosophy of the Legislature and so does the County Executive. In the beginning of the year we were trying to get some perspective on how the year was turning out as far as the County budget, and I think things are better now than they were before we had a clearer picture. So I think now the County Executive would be using a lot of the •• you know, using the projects that the Legislature has preferred to use pay•as•you•go money for.

CHAIRMAN BINDER:

Can these wait until the next meeting? It will be after the summer. Same thing with the other ones •• • those other two.

LEG. FOLEY:

Well, the shelters •• if I may, Mr. Chairman. I hope we can do the shelters by next Tuesday, otherwise you have to wait another two to three months for the Transportation Department, then you could be looking late into the fall and into winter before they are installed, whereas if we approve it by June, I think we have an even better chance to have these installed by the fall, Commissioner, as far as the bus shelters?

COMMISSIONER BARTHA:

I don't think we could have it done by fall, but it's still •• I think it is critical that we approve it as soon as possible.

LEG. FOLEY:

If we approve it in June, will they be installed prior to the end of the year? We can certainly say that if we approve it in August, there's no chance of it being ••

COMMISSIONER BARTHA:

Right. There is a possibility we have it before the end of the year if it's approved in June.

LEG. FOLEY:

A possibility, whereas if we approve it in August, there is no possibility.

CHAIRMAN BINDER:

Let me go back. Also the ones we were talking about for your equipment, for the reconstruction of culverts, one of the options we could do is though we tabled them, is possibly discharge these four without recommendation. And it will be obvious that we discharge without recommendation for the one reason. And if you wanted to do them by CN with a change in •• you know, with the amendment ••

MR. ZWIRN:

I think that's a very fair suggestion. And if the changes aren't made, then it will be just tabled on the floor or they'll be recommitted.

CHAIRMAN BINDER:

We'll just keep them tabled on the floor.

MR. ZWIRN:

Right.

CHAIRMAN BINDER:

Okay. So let me do this. We'll go back to **1597, accepting and appropriating Federal Aid (80%), state Aid (10%) and County funds (10%) in connection with the purchase and installation of bus shelters. (COUNTY EXEC).**

I'm going to make a motion to discharge without recommendation, seconded by Legislator Foley. All those in favor? Opposed? 1597 is **discharged without recommendation. (VOTE: 6•0•0•0).**

1598. Amending the 2005 Capital Budget and Program and authorizing planning funds in connection with equipment for public transit vehicles • Automated Vehicle Locator System, accepting and appropriating Federal Aid (80%), State Aid (10%),

and County funds (10%). (COUNTY EXEC).

Same motion, same second, same vote. **DISCHARGED WITHOUT RECOMMENDATION.**
(VOTE: 6•0•0•0). Legislator O'Leary.

LEG. O'LEARY:

Never mind. I just answered my own question.

CHAIRMAN BINDER:

You got a never mind. I'm going to make a motion to reconsider 1602, being on the prevailing side.

LEG. FOLEY:

Second.

CHAIRMAN BINDER:

Second by Foley. All those in favor? Opposed?

1602, (appropriating funds in connection with the reconstruction of culverts.

(COUNTY EXEC), is now before us. I'm going make a motion to discharge without recommendation, second by Legislator Foley. All those in favor? Opposed? **Discharged without recommendation.**

(VOTE: 6•0•0•0).

1605, (appropriating funds in connection with the Public Works buildings operations and maintenance equipment (COUNTY EXEC). I'm going to make a motion to reconsider, seconded by Legislator Foley. All those in favor? Opposed?

We're on •• 1605 is now before us. Same motion, same second to discharge without recommendation on 1605. All in favor? Opposed? And that is **discharged without recommendation. (VOTE: 6•0•0•0)**

1615. Approving the purchase of vehicles in accordance with Section 186•1(B)(6) of

the Suffolk County Code and in accordance with the County Vehicle Standard.

I have spent •• I'm going to make a motion to approve, seconded by O'Leary. I think there's been just maybe some miscommunication because •• on the law •• in having do to with vehicle standards. So let me just kind of straighten it out. And if you don't mind, Commissioner, I'll just repeat what we have •• or summarize what we have discussed. The law is to •• is to create the best car for Suffolk County that is out there or •• not to create, but actually to figure out for us what would be the best standard car in terms of repair, safety, and/or repair and maintenance safety and gas milage and cost. And those things are •• we're supposed to be in agreement and decide what's the best standard car. And then after that, every other car that is asked for, or van or truck or anything else asked for, outside of that needs to be justified as to the reason for and the need for those things.

When I have the assurances •• and you can, I guess, agree on the record, is that you are not going to knee jerk go and get a Ford Taurus as a standard car because that's what we've done in the past, that we're going to take a real fresh look before ordering any vehicles and make sure that we get the car that meets those standards. And that would make me comfortable with your following the law. And the other vehicles I saw, and I went through •• in the back I was going through all the justifications, and I'm comfortable, I think some could be even explained a little further. Rather than saying we're replacing a vehicle, so we want the same thing, maybe it was wrong in the first place. So •• but in hearing the justifications I'm comfortable with it.

Most important though is to create a system whereby we are regularly figuring out what's the best car for us to buy for our fleet, for our people, and then everything else is justified. So, Commissioner, you are comfortable with going and doing an analysis and making sure that we have the best vehicle for the County?

COMMISSIONER BARTHA:

That's correct. We'll pursue what you have said. And before we bid it, we will have the documentation that will be consistent with the resolution and our meeting.

CHAIRMAN BINDER:

Okay. Legislator O'Leary.

LEG. O'LEARY:

Charlie, where are these vehicles being purchased from?

COMMISSIONER BARTHA:

Operating funds.

LEG. O'LEARY:

No, no, no. Where? Who is selling them?

CHAIRMAN BINDER:

I think he's looking for the seller.

LEG. O'LEARY:

Who's the seller?

COMMISSIONER BARTHA:

Oh. We will put out a separate bid for these. So we can't tell you who the seller is at this point. We'll going to go put •• there is a great urgency for many of these vehicles. We're going to see what vehicles are available locally and put out a bid. Rather than purchase off of a state contract, we're looking to keep it local and, you know, purchase vehicles as quick as possible.

LEG. O'LEARY:

Would you consider New Jersey local?

COMMISSIONER BARTHA:

No.

LEG. VILORIA • FISHER:

I was going to ask that question.

LEG. O'LEARY:

It's come to my attention that there was a purchase of several vehicles in excess of perhaps 170 or 80 vehicles recently purchased from New Jersey. Can you explain that?

COMMISSIONER BARTHA:

That's correct. They were off of a state contract. There was a great urgency for those. They were law enforcement vehicles. And we were •• the fleet was down.

LEG. O'LEARY:

Is it also true that the maintenance contract for these vehicles is in excess of the previous contract?

COMMISSIONER BARTHA:

That I don't know. I would ask Lorraine Hickey.

LEG. O'LEARY:

There were all law enforcement vehicles? They were earmarked for law enforcement, Charlie?

COMMISSIONER BARTHA:

Yes.

LEG. O'LEARY:

All of them?

COMMISSIONER BARTHA:

Yes.

MS. HICKEY:

Marine Bureau will get marked sedans, not the four•by•fours.

LEG. VILORIA•FISHER:

It's hard to hear you, Ms. Hickey. Please speak into the mike.

MS. HICKEY:

Oh, I'm sorry. The Marine Bureau will get some of the marked •• they were strictly Crown Vic marked sedans that we purchased. They will get sedans. But the bid for Marine Bureau vehicles, the bids come back tomorrow on theirs. But we do the maintenance in house, so I'm not sure what the question on the maintenance cost is. Possibly the warrantee maybe they're

saying was different, but if you took the total price, it was still less than the previous bids.

LEG. O'LEARY:

Including the maintenance contract?

MS. HICKEY:

I assume you mean the warrantee?

LEG. O'LEARY:

Yes.

MS. HICKEY:

Yes.

LEG. O'LEARY:

So then it's your statement that the successor bidder was the lowest bidder?

MS. HICKEY:

Well, there was no existing County contract to compare it to on the date we submitted the bid, the purchase order. But if you base it on previous, we always analyze the total per unit cost for the lowest bid.

LEG. O'LEARY:

And that's a yes?

MS. HICKEY:

Yes.

LEG. O'LEARY:

Okay.

LEG. VILORIA • FISHER:

Mr. Chair? Question.

CHAIRMAN BINDER:

Legislator Viloría • Fisher.

LEG. VILORIA • FISHER:

We're going back to the statement made earlier by the Chair regarding having a grid, some kind of standard, and you're talking about 170 Crown Vics. And, Mr. Chair, I'm curious as to where you were going with your statements. Because my reaction to 170 Crown Vics is we're talking about large, not fuel efficient cars, and why we have the propensity to Crown Vics all the time, because those are the standard issues with the police vehicles?

CHAIRMAN BINDER:

And they're exempted.

LEG. VILORIA • FISHER:

And they reach •• they're the only ones that can reach those standards at this point?

MS. HICKEY:

Yes.

CHAIRMAN BINDER:

They're exempted also from •• law enforcement is exempted because •• exactly because of this, we didn't put this in the bill for the standard.

LEG. VILORIA • FISHER:

But if you remember a few years ago, weren't there problems with Crown Vics.

COMMISSIONER BARTHA:

There were. And we were one of the first municipalities to be out front and separate those vehicles from the fleet.

LEG. VILORIA • FISHER:

Yeah, I remember that. But there are •• there are no other models that have come up to State standards?

COMMISSIONER BARTHA:

No. The Crown Vics continue to be nationally the ••

LEG. VILORIA • FISHER:

Oh, they're nationally.

COMMISSIONER BARTHA:

•• the vehicle of choice for police purposes.

CHAIRMAN BINDER:

Right. Except in the snow.

COMMISSIONER BARTHA:

Or in an accident.

CHAIRMAN BINDER:

Or in a rear end collision, right.

LEG. VILORIA • FISHER:

Or in a rear end collision.

CHAIRMAN BINDER:

But other than that, there's a national standard.

LEG. VILORIA • FISHER:

Well, that's what would make one curious about the knee jerk reaction. Why does it continue to be the national standard when we're looking at national •• this isn't for our particular department to look at, but I think we should all be asking the questions. We're looking at vehicles that have greater fuel efficiency, there are vehicles that have the spaciousness inside, that are more fuel efficient, and nationally, we should begin to ask those question rather than the knee jerk reaction to having the same thing. With regards local preference, when we're looking at hybrid vehicles, we do need to look outside of the local bids, don't we, Commissioner?

COMMISSIONER BARTHA:

If there is no local vendor, yes. And the local preference is a 10% preference at the option of the Commissioner.

LEG. VILORIA • FISHER:

Okay. I was just curious about that, because I know it's difficult to get the hybrid vehicles here. People are going to Pennsylvania and New Jersey for those.

COMMISSIONER BARTHA:

If there's no one in Nassau or Suffolk, that's what would happen.

LEG. VILORIA • FISHER:

Okay. Thank you.

CHAIRMAN BINDER:

Any other questions? Thank you, Commissioner, for your commitment on that. I had a motion, and I have second, I think it was Legislator O'Leary.

LEG. O'LEARY:

I second it.

CHAIRMAN BINDER:

All those in favor? Opposed. 1615 is **APPROVED. (VOTE: 6•0•0•0).**

Introductory resolutions

CHAIRMAN BINDER:

1643, (authorizing public hearing for approval of amended ferry license for Fire Island Ferries Inc., (PRESIDING OFFICER)). Motion by Legislator Carpenter, seconded by Legislator O'Leary. Any comments? All those in favor? Opposed? 1643 is **APPROVED. (VOTE: 6•0•0•0)**

1645. Authorize a request for proposal to reestablish the Bay Shore Health Center. (ALDEN)

LEG. O'LEARY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator O'Leary.

LEG. CARPENTER:

Second.

CHAIRMAN BINDER:

Motion by Legislator O'Leary, seconded by Legislator Carpenter. All those in favor? Opposed?
1645 is **approved. (VOTE: 6•0•0•0)**

LEG. FOLEY:

Is there any reason why that wasn't in the Health Committee as opposed to Public Works?

LEG. VILORIA•FISHER:

Yeah.

LEG. FOLEY:

Through the Chair, I think it was still the Health Committee?

CHAIRMAN BINDER:

I guess to build, to build.

LEG. CARPENTER:

It's an RFP.

CHAIRMAN BINDER:

Right. An RFP to build something. We build things here, I guess. I don't know. I didn't ask.

MR. ZWIRN:

For the record, Mr. Chairman, the County Exec's Office is working with Legislator Alden on this. He's been patient a long time waiting for the Bay Shore Health Center to be reestablished, and we're working actively trying to get a site. So we look forward to working continuously.

LEG. VILORIA • FISHER:

You just answered my question, Ben.

CHAIRMAN BINDER:

Very good.

LEG. FOLEY:

Thank you, Mr. Zwirn.

CHAIRMAN BINDER:

1648, amending the 2005 Capital Budget and Program and appropriating Capital Budget and Program Pay • As • You • Go funds in connection with erosion mitigation at Unchachogue Creek, Shirley, Town of Brookhaven (O'LEARY). Legislator O'Leary, would you like to ••

LEG. O'LEARY:

Motion.

LEG. FOLEY:

I'll second it. Second.

CHAIRMAN BINDER:

Motion, seconded by Legislator Foley. Right. We can't pass it if you can't say it. All in favor? Opposed? **Approved. (VOTE: 6•0•0•0).**

There is Native American blood flowing through Legislator O'Leary's veins and district. Right, both.

1695, appropriating funds in connection with the reconstruction of CR 80, Montauk Highway, between NYS 112 and CR 101, Sills Road, Town of Brookhaven (COUNTY EXEC).

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Foley, seconded by Legislator O'Leary. Any comments, questions? All those in favor? Opposed? 1695 is **APPROVED. (VOTE: 6•0•0•0)**

1696, appropriating funds in connection with the construction of sidewalks on various County roads (COUNTY EXEC).

LEG. CARPENTER:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Carpenter, seconded by Legislator Kennedy. Any comments, questions? These are bonded, right, I assume? We don't need pay•as•you•go on this, right, guys?

LEG. VILORIA•FISHER:

No.

CHAIRMAN BINDER:

All those in favor? Opposed? **Approved. (VOTE: 6•0•0•0)**

1703, amending the 2005 Capital Budget and Program in connection with the construction of the new Jail/Correctional Replacement Facility at Yaphank (COUNTY EXEC).

This is just a transfer, my understanding? I don't know if Counsel wants to explain the transfer on this.

MS. KNAPP:

The transfer, I'm not sure if you want to refer to Budget Review on this.

CHAIRMAN BINDER:

Budget Review, 1703, maybe you can give us a Budget Review•type explanation. That would probably be better than Counsel.

MR. SPERO:

This resolution is transferring \$17,500 from the project for the construction of a Tier II ••

MR. ZWIRN:

Seventeen million.

MR. SPERO:

Seventeen million. Sorry.

CHAIRMAN BINDER:

That's what happens when you're retiring, everything gets smaller.

LEG. FOLEY:

Come on, Roz. Roz, you're supposed to be helping out there.

CHAIRMAN BINDER:

You know, you can say anything when you're leaving. You can say anything you want.

MR. ZWIRN:

He was just checking to see if everyone was paying attention.

MR. SPERO:

Anyway, the funds are being transferred to the •• in the amount that Ben said.

CHAIRMAN BINDER:

Ben, you want a job?

MR. SPERO:

•• to the jail project, the Yaphank Jail Project. This was planned in the •• proposed in the Capital Program by the County Executive that these funds won't be used, so they're going to be transferred to the jail project for the Phase I construction, the sufficient appropriations for the Phase I construction. The remaining appropriations for Phase I are contained in the 2006 Operating Budget.

CHAIRMAN BINDER:

Do you have a list of the projects? Do you have a list of the projects in front of you that are not going to be done?

MR. SPERO:

No, I don't, but we can get that for you.

CHAIRMAN BINDER:

Do you want that list?

MS. KNAPP:

My notes, and they may be inaccurate, indicate that it was only the Tier II Shelter.

MR. SPERO:

Right. That's all I'm talking about. I thought you meant other Capital Projects.

CHAIRMAN BINDER:

No, I thought you said something other than Tier II.

MR. SPERO:

No. This is just the Tier II Homeless Shelter.

LEG. CARPENTER:

Excuse me. Didn't we do this resolution in Public Safety this morning?

MS. KNAPP:

I believe in Public Safety the money that was transferred was for the childrens •• right. That's a different project.

LEG. CARPENTER:

Okay.

CHAIRMAN BINDER:

Okay. Motion by Legislator O'Leary, seconded by Legislator Kennedy. Yes.

MR. SPERO:

Just one other point. This does not appropriate the funding, because the SEQRA process has not been complete.

CHAIRMAN BINDER:

It just moves it.

MR. SPERO:

It just moves it. The appropriation will follow later this year.

CHAIRMAN BINDER:

Right. And it cords it off. It can't be used for their projects. Okay. We have a motion and a second. All those in favor? Opposed? 1703 is **approved. (VOTE: 6•0•0•0)**

1704, appropriating funds in connection with the County share for participation in the replacement of St. Andrews Bridge on CR 39, North Road, Town of Southampton (COUNTY EXEC).

What's the funding source on this. BRO, can you give me that?

MR. SPERO:

It's \$110,000 in serial bonds to plan for the replacement of the bridge, St. Andrews Bridge over CR •• on CR 39 out in Southampton.

CHAIRMAN BINDER:

How long is that going to last? How long is that going to last, that bridge?

MR. SPERO:

The existing bridge?

LEG. O'LEARY:

This is planning. Is this 110,000 planning?

CHAIRMAN BINDER:

Oh, I'm sorry. This is planning, right.

LEG. O'LEARY:

But we're bonding planning money?

CHAIRMAN BINDER:

Right.

MR. SPERO:

Well, we typically do. This is a 20 year project, so usually the planning money is bonded for a similar period of time.

CHAIRMAN BINDER:

All right. Motion by Legislator Carpenter, seconded by Legislator O'Leary. All in favor? Opposed? **Approved. (VOTE: 6•0•0•0)**

1713, amending the 2005 Capital Program and Budget and appropriating funds in connection with the improvements to County Center, Riverhead (CARACAPPA).

LEG. FOLEY:

Motion.

CHAIRMAN BINDER:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

CHAIRMAN BINDER:

Second by Legislator O'Leary. All in favor? Opposed. **Approved. (VOTE: 6•0•0•0)**

SENSE RESOLUTION

S•50, Sense of the Legislature Resolution that New York State assume responsibility

for New Highway in the Towns of Huntington and Babylon (TONNA).

LEG. O'LEARY:

Motion to table.

CHAIRMAN BINDER:

Motion to table by Legislator O'Leary, second by myself. All those in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN BINDER:

Opposed, Legislator Foley; opposed, Legislator Viloria•Fisher. **APPROVED. (VOTE: 4•2•0•0)**
(Opposed: Legis Foley and Viloria•Fisher).

That would be everything. Is there anything anybody wants to bring up for the commissioner?

If not, I'll make a motion to adjourn, second by Legislator O'Leary. All those in favor?

Opposed? We're adjourned.

(*THE MEETING WAS ADJOURNED AT 2:16 P.M.*)

_ _ DENOTES BEING SPELLED PHONETICALLY